

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 99-170

December 17, 1999

PUBLIC UTILITIES COMMISSION
Inquiry into Standard Form Contracts
and Terms, Conditions and Charges
Applicable to Standard Offer and
Competitive Electricity Providers

ORDER AMENDING THE
COMPETITIVE PROVIDER
STANDARD FORM CONTRACT

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

In this Order, we amend the competitive electricity provider (CEP) standard form contract in two areas: 1) modification of the delivery point provision; and 2) addition of a customer authorization provision.

The current CEP contract specifies the delivery point as NEPOOL's Pool Transmission Facilities. The intent of this provision was to avoid CEPs being responsible for the transmission charges of the transmission and distribution (T&D) utility in whose service territory they are providing service. However, under the current language, FERC policy may require a CEP serving customers from generation facilities connected to the utility's local transmission network to pay transmission charges. This problem was remedied for the standard offer standard form contract by changing the language to specify the investor-owned utilities' local transmission network as the delivery point. *Order Adopting Amendment to Standard Offer Standard Form Contract*, Docket No. 99-170 (Aug. 2, 1999).¹ We adopt the same language for the CEP standard contract.

In our recent rulemaking adopting amendments to Chapter 322, we required utilities to obtain evidence that the CEP complied with the customer authorization requirements before providing customer-specific data. *Order Adopting Rule*, Docket No. 99-659 (Dec. 17, 1999). We indicated that this requirement could be satisfied by a contractual provision obligating the provider not to seek such data until it has complied with the customer authorization requirements. We also stated that we would add a provision to the CEP standard contract specifying the CEP obligation in this regard. Accordingly, we have added language to the contract stating the CEP's obligation not to ask the utility for customer-specific information without first properly obtaining customer authorization to do so.

¹ This Order was issued by the Commission's Director of Technical Analysis pursuant to a delegation of authority to modify the standard offer standard form contract to conform to the standard offer request for bids or to make other ministerial changes. Docket No. 99-111 (July 29, 1999).

Finally, through this Order, we hereby delegate future amendments to the CEP and standard offer standard form contracts to our Director of Technical Analysis.

Dated at Augusta, Maine, this 17th day of December, 1999.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent
Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

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